

**ASSEMBLY BILL**

**No. 1281**

**Introduced by Assembly Member Maze**

February 22, 2005

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An act to amend Section 11202 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1281, as introduced, Maze. Traffic violator schools: lesson plans.

Existing law requires a licensed traffic violator school owner to provide a Department of Motor Vehicle's approved lesson plan of a minimum of 400 minutes of instruction, except that a lesson plan for instructing persons under the age of 18 may provide a minimum of 600 minutes of instruction.

This bill would recast that requirement to provide that a traffic violator school owner provide a minimum of 240 minutes of a department-approved lesson plan of traffic safety instruction that is designed to improve safe driving habits and reduce traffic accidents, except that for persons under 18 years of age, the plan may provide a minimum of 360 minutes of that traffic safety instruction.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11202 of the Vehicle Code is amended  
2 to read:

11202. (a) Except as provided in subdivision (c), a traffic violator school owner shall meet all of the following criteria before a license may be issued for the traffic violator school:

(1) Maintain an established place of business in this state which is open to the public. No office or place of business of a traffic violator school, including any traffic violator school branch or classroom location, may be situated within 500 feet of any court of law, unless the owner was established at the location on or before July 1, 1984.

(2) Conform to standards established by regulation of the department. In adopting the standards, the department shall consider those practices and instructional programs which may reasonably foster the knowledge, skills, and judgment necessary for compliance with traffic laws. The standards may include, but are not limited to, school personnel, equipment, curriculum, procedures for the testing and evaluation of students, recordkeeping, and business practices.

(3) Procure and file with the department a bond of two thousand dollars (\$2,000) executed by an admitted surety and conditioned upon the applicant not practicing any fraud or making any fraudulent representation which will cause a monetary loss to a person taking instruction from the applicant or to the state or any local authority.

(4) Have a classroom approved by the department and the proper equipment necessary for giving instruction to traffic violators.

(5) Have a lesson plan approved by the department and provide not less than the minimum instructional time specified in the plan. An approved lesson plan shall provide a minimum of ~~400~~ 240 minutes of *traffic safety* instruction *that is designed to improve safe driving habits and reduce traffic accidents*, except that a lesson plan for instructing persons under the age of 18 may provide a minimum of ~~600~~ 360 minutes of *that* instruction.

(6) (A) Execute and file with the department an instrument designating the director as agent of the applicant for service of process, as provided in this paragraph, in any action commenced against the applicant arising out of any claim for damages suffered by any person by the applicant's violation of any provision of this code committed in relation to the specifications

1 of the applicant's traffic violator school or any condition of the  
2 bond required by paragraph (3).

3 (B) The applicant shall stipulate in the instrument that any  
4 process directed to the applicant, when personal service cannot  
5 be made in this state after due diligence, may be served instead  
6 upon the director or, in the director's absence from the  
7 department's principal offices, upon any employee in charge of  
8 the office of the director, and this substituted service is of the  
9 same effect as personal service on the applicant. The instrument  
10 shall further stipulate that the agency created by the designation  
11 shall continue during the period covered by the license issued  
12 pursuant to this section and so long thereafter as the applicant  
13 may be made to answer in damages for a violation of this code  
14 for which the surety may be made liable or any condition of the  
15 bond.

16 (C) The instrument designating the director as agent for  
17 service of process shall be acknowledged by the applicant before  
18 a notary public.

19 (D) If the director or an employee of the department, in lieu of  
20 the director, is served with a summons and complaint on behalf  
21 of the licensee, one copy of the summons and complaint shall be  
22 left with the director or in the director's office in Sacramento or  
23 mailed to the office of the director in Sacramento. A fee of five  
24 dollars (\$5) shall also be paid to the director or employee at the  
25 time of service of the copy of the summons and complaint, or  
26 shall be included with a summons and complaint served by mail.

27 (E) The service on the director or department employee  
28 pursuant to this paragraph is sufficient service on the licensee if a  
29 notice of the service and a copy of the summons and complaint ~~is~~  
30 *are*, on the same day as the service or mailing of the summons  
31 and complaint, sent by registered mail by the plaintiff or his or  
32 her attorney to the licensee. A copy of the summons and  
33 complaint shall also be mailed by the plaintiff or plaintiff's  
34 attorney to the surety on the licensee's bond at the address of the  
35 surety given in the bond, postpaid and registered with request for  
36 *a* return receipt.

37 (F) The director shall keep a record of all processes served  
38 pursuant to this paragraph showing the day and hour of service,  
39 and shall retain the documents served in the department's files.

(G) If the licensee is served with process by service upon the director or a department employee in lieu of the director, the licensee has 30 days after that service within which to answer any complaint or other pleading filed in the cause. For purposes of venue, if the licensee is served with process by service upon the director or a department employee in lieu of the director, the service is considered to have been made upon the licensee in the county in which the licensee has or last had his or her established place of business.

(7) Meet the requirements of Section 11202.5 and subdivision (b) of Section 11208, relating to traffic violator school operators, if the owner is also the operator of the traffic violator school. If the owner is not the operator of the traffic violator school, the owner shall designate an operator who shall meet the requirements of Section 11202.5.

(8) Provide the department with a written assurance that the school will comply with the applicable provisions of Subchapter II or III of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101, et seq.), and any other federal and state laws prohibiting discrimination against individuals with disabilities. Compliance may include providing sign language interpreters or other accommodations for students with disabilities.

(b) The qualifying requirements specified in subdivision (a) shall be met within one year from the date of application for a license, or a new application and fee ~~is~~ *are* required.

(c) Paragraphs (3) and (6) of subdivision (a) do not apply to public schools or other public agencies, which shall also not be required to post a cash deposit pursuant to Section 11203.

(d) Paragraph (7) of subdivision (a) does not apply to public schools or other public educational institutions.

(e) A notice approved by the department shall be posted in every traffic violator school, branch, and classroom location stating that ~~any~~ *a* person involved in the offering of, or soliciting for, a completion certificate for attendance at a traffic violator school program in which the person does not attend or does not complete the minimum amount of instruction time provided by subdivision (a) may be guilty of violating Section 134 of the Penal Code.

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